

SCHEDULE 1

PENSION SHARING ON DIVORCE OR NULLITY OF MARRIAGE OR DISSOLUTION OR NULLITY OF CIVIL PARTNERSHIP

Payment of lump sum on death

11.—(1) Where a lump sum is payable under any of paragraphs 3, 8 or 9 of the schedule, unless sub-paragraph (2) or (3) below applies, the lump sum must be paid to the personal representative of the person entitled to a pension credit or, as the case may be, the pension credit member.

(2) Where the person entitled to a pension credit or, as the case may be, the pension credit member dies and leaves a widow, widower, surviving scheme partner or surviving civil partner, the lump sum may be paid to the widow, widower surviving scheme partner or surviving civil partner, unless—

- (a) the person entitled to a pension credit or, as the case may be, the pension credit member has given notice to the Scottish Ministers in accordance with sub-paragraph (4) below that the widow, widower or surviving civil partner is not to receive the payment, and has not revoked that notice; or
- (b) sub-paragraph (3) below applies.

(3) Where the person entitled to a pension credit or, as the case may be, the pension credit member has given notice to the Scottish Ministers in accordance with sub-paragraphs (4) and (5) below that the lump sum is to be paid to a person specified in the notice, and has not revoked that notice, the lump sum may be paid to that person unless—

- (a) that person has died before the payment can be made; or
- (b) payment to that person is not, in the opinion of the Scottish Ministers, reasonably practicable.

(4) Notice to the Scottish Ministers for the purpose of sub-paragraph (2) or (3) above—

- (a) must be given only by a person entitled to a pension credit or, as the case may be, a pension credit member under the AVC scheme;
- (b) must be given in writing;
- (c) may at any time be revoked in writing; and
- (d) must nominate the whole of the lump sum to a nominee and, in the case of a notice that specifies more than one person, must also specify the percentage of the lump sum to be paid to each such person.

(5) A person entitled to a pension credit or, as the case may be, a pension credit member who revokes such a notice under sub-paragraph (4) may give further notice for the purpose of sub-paragraphs (2) or (3).

(6) A notice given under sub-paragraph (3) must specify one or more persons who is—

- (a) an individual;
- (b) a body corporate;
- (c) an unincorporated body; or
- (d) the pension credit member's executors,

but must not specify one or more persons referred to in sub-paragraph (a) together with a body referred to in either of sub-paragraphs (b) or (c).